

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ESCO CORPORATION, et al.,

Plaintiffs,

v.

CASHMAN EQUIPMENT COMPANY, et al.,

Defendants.

Case No. 2:12-cv-01545-RCJ-CWH

Member Cases

Case No. 2:12-cv-002174-RFB-NJK

Case No. 2:14-cv-00529-RCJ-PAL

**ORDER SCHEDULING A POST CLAIM
CONSTRUCTION SETTLEMENT
CONFERENCE**

Pursuant to the Patent Rules for a post-claim settlement conference, and pursuant to the request of counsel for a conference during the week of August 10, 2014, a settlement conference is hereby scheduled to commence at **9:30 a.m., August 11, 2015**, in **Courtroom 3C**, Lloyd D. George United States Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada.

All counsel of record who will be participating in the trial and who have full authority to settle this case, all parties appearing *pro se*, if any, and **all individual parties must be present.** In the case of non-individual parties, counsel of record shall arrange for an officer or representative with binding authority to settle this matter up to the full amount of the claim or last demand made to be present for the duration of the conference.

If any party is subject to coverage by an insurance carrier, then a representative of the insurance carrier with authority to settle this matter up to the full amount of the claim or last demand made must also be present for the duration of the settlement conference.

A request for an exception to the above attendance requirements must be filed and served at least one week prior to the settlement conference. Counsel of record, individual parties, and a fully authorized representative shall appear in person unless the court enters an order granting a request for exception.

PREPARATION FOR SETTLEMENT CONFERENCE

In preparation for the settlement conference, the attorneys for each party shall submit a confidential settlement conference statement for the Court's in camera review. The settlement conference statement shall contain the following:


1. A brief statement of the nature of the action;
2. A concise summary of the evidence that supports your theory of the case, including information which documents your damages claim(s). Please attach to your statement any documents or exhibits which are relevant to key factual or legal issues, including selected pages from deposition transcripts or responses to other discovery requests.
3. An analysis of the key issues involved in the litigation.
4. A discussion of the strongest points in your case, both legal and factual, and a frank discussion of the weakest points as well. The Court expects you to present a candid evaluation of the merits of your case.
5. A further discussion of the strongest and the weakest points in your opponent's case, but only to the extent that they are more than simply the converse of the weakest and the strongest points of your case.
6. The history of settlement discussion(s), if any, which details the demands and offers which have been made, and the reasons they have been rejected.
7. The settlement proposal that you believe would be fair.
8. The settlement proposal that you would honestly be willing to make in order to conclude this matter and stop the expense of litigation.

The settlement conference statements shall be received in my Chambers, Room 3071, no later than **4:00 p.m., August 4, 2015. DO NOT SERVE A COPY ON OPPOSING COUNSEL. DO NOT DELIVER OR MAIL COPIES TO THE CLERK'S OFFICE.**

The purpose of the statement is to assist the undersigned Magistrate Judge in preparing for and conducting the settlement conference. In order to facilitate a meaningful conference, your utmost candor in responding to all of the above-listed questions is required. **The settlement statement will be seen by no one except the undersigned.** If this case does not

1 settle, the settlement conference statement will not be disclosed to the judge who ultimately
2 presides over the trial. Each statement will be securely maintained in my chambers, and will be
3 destroyed following the conference.

4 Dated this 5th day of June, 2015.

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7 PEGGY A. GREEN
8 UNITED STATES MAGISTRATE JUDGE
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